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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/726,385	12/02/2003	Vernon Russ Husk	P314620	5599

22931 7590 08/24/2005

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BELLINGHAM, WA 98226-5583

EXAMINER
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ENGLE, PATRICIA LYNN

ART UNIT	PAPER NUMBER
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3612

DATE MAILED: 08/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/726,385	<b>Applicant(s)</b> HUSK, VERNON RUSS	
	<b>Examiner</b> Patricia L. Engle	<b>Art Unit</b> 3612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-11 and 14-19 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 1,2 and 4-8 is/are allowed.
- 6) ☒ Claim(s) 9-11 and 14-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____   |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 9-11, 14-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. Claim 9 recites the limitation "the promoter region" in line 6. There is insufficient antecedent basis for this limitation in the claim.
4. Claim 9 recites the limitation "the perimeter gap" in line 18. There is insufficient antecedent basis for this limitation in the claim.
5. Claim 9 recites the limitation "the gap" in line 1. There is insufficient antecedent basis for this limitation in the claim.
6. Claim 9 recites the limitation "the perimeter sub-region" in line 1. There is insufficient antecedent basis for this limitation in the claim.
7. Claim 9 recites the limitation "the distance" in line 4. There is insufficient antecedent basis for this limitation in the claim.
8. Claims 10, 11 and 14 recite the limitation "the sealing body" throughout the claim. There is insufficient antecedent basis for this limitation in the claim.
9. Claim 10 recites the limitation "the thickness" in line 13. There is insufficient antecedent basis for this limitation in the claim.

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10. Claim 15 recites the limitation "the promoter region" in line 6. There is insufficient antecedent basis for this limitation in the claim.

The Examiner recommends that "promoter" be changed to --perimeter sub--.

11. Claim 15 recites the limitation "the body" in lines 14 and 15. There is insufficient antecedent basis for this limitation in the claim.

12. Claim 15 recites the limitation "the thin portion" in lines 14 and 16. There is insufficient antecedent basis for this limitation in the claim.

13. Claim 15 recites the limitation "the large portion" in line 14. There is insufficient antecedent basis for this limitation in the claim.

The Examiner recommends that "the large portion" be changed to --large portions--;

14. Claim 15 recites the limitation "the small portions" in line 15. There is insufficient antecedent basis for this limitation in the claim.

15. Claim 15 recites the limitation "the sealing body" in lines 21 and 23. There is insufficient antecedent basis for this limitation in the claim.

16. Claim 18 and 19 recites the limitation "the sealing body" in line 1. There is insufficient antecedent basis for this limitation in the claim.

17. Claim 18 recites the limitation "the perimeter" in line 2. There is insufficient antecedent basis for this limitation in the claim.

18. Claim 18 recites the limitation "the window" in line 2. There is insufficient antecedent basis for this limitation in the claim.

19. Claim 19 recites the limitation "the cavity" in line 2. There is insufficient antecedent basis for this limitation in the claim.

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20. Regarding claim 10, the phrase "or the like" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "or the like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

21. Where applicant acts as his or her own lexicographer to specifically define a term of a claim contrary to its ordinary meaning, the written description must clearly redefine the claim term and set forth the uncommon definition so as to put one reasonably skilled in the art on notice that the applicant intended to so redefine that claim term. *Process Control Corp. v. HydReclaim Corp.*, 190 F.3d 1350, 1357, 52 USPQ2d 1029, 1033 (Fed. Cir. 1999). The term "substantially square" in claim 14 is used by the claim to mean "having a width dimension substantially greater than the thickness dimension", while the accepted meaning is "having a width and thickness being substantially equal." The term is indefinite because the specification does not clearly redefine the term.

### ***Claim Objections***

22. Claim 9 and 17 are objected to because of the following informalities: In claim 9, line 1, "any" should be --a--; In claim 9, line 5, "a promoter gap" should be --a perimeter gap--; In claim 9, line 5, "any" should be --a--; In claim 17, line 2, --which-- should be inserted after "expansion"; In claim 17, line 3, "to scratch" should be --from scratching--. Appropriate correction is required.

### ***Allowable Subject Matter***

23. Claims 1, 2, 4-8 are allowed.

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24. The following is an examiner's statement of reasons for allowance: The primary reason for the allowance of the claims in this application is that the prior art of record does not disclose or suggest a sealing member for being mounted between a vehicle cab and a canopy, wherein the sealing body has at least two pair of opposing surfaces and in which one pair of opposing surfaces contact a portion of the cab and canopy and the second pair of opposing surfaces contact another portion of the cab and canopy, in combination with the other elements provided.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

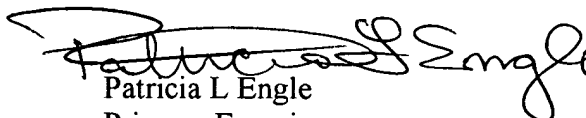
#### *Conclusion*

25. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patricia L. Engle whose telephone number is (571) 272-6660. The examiner can normally be reached on Monday - Friday from 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, D. Glenn Dayoan can be reached on (571) 272-6659. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Patricia L Engle  
Primary Examiner  
Art Unit 3612

ple  
August 18, 2005